GOVERNMENT OF MYSORE.

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT (LABOUR)

Labour Dispute.—Industrial Dispute between the Workmen and the Management of AMCO Batteries, Ltd., Mysore Road, Bangalore-26.

Award of the Additional Industrial Tribunal, Bangalore—published.

Read the following papers :

(i) Letter No. A.I.T. No. 266-7/68-69, dated the 16th December 1968 from Shri R. V. Kollali, Presiding Officer, Industrial Tribunal, Bangalore.

BEFORE THE ADDITIONAL INDUSTRIAL TRIBUNAL, BANGALORE.

Dated 13th December 1968

Present :

Sri R. V. Kollali, B.A., LL.B., *Presiding Officer.*

A.I.D. No. 35 of 1968

First Party—

Workmen of AMCO Batteries, Ltd., Mysore Road, Bangalore-26.

Vs.

Second Party—

Management of AMCO Batteries, Ltd., Mysore Road, Bangalore-26.

Appearances :

For the I Party—

Sri N. R. Vishwanathan, Vice-President, Simpson and Group Companies Workers and Staff Union, Cavalry Road, Bangalore-1.

For the II Party—

Sri L. S. Krishna Murthy, Comptroller and Treasurer of the II Party Concern.

Reference :

G.O. No. FCL 834 LLD 68 (1), dated Bangalore, 2nd November 1968.

AWARD

By an Order No. FCL 834 LLD 68 (1), dated 2nd November 1968, the Government of Mysore have referred the Industrial Dispute existing between the Workmen and Management of AMCO Batteries, Ltd., Mysore Road, Bangalore-26, under Section 10 (1) (*d*) of the Industrial Disputes Act, 1947, for adjudication to this Tribunal on the following points :—

> Are the Workmen of AMCO Batteries, Ltd., Bangalore, justified in demanding 32 per cent of the basic salary including D.A. or 60 per cent of the basic salary, whichever is higher, earned by the workmen during the accounting year ending 31st March 1968 as against 27½ per cent of basic salary plus D.A. or 6 months' basic salary, whichever is higher, offered by the Management of AMCO Batteries, Ltd.?
>
> If not, to what relief, are the workmen entitled?"

2. On receipt of the Reference, the instant case was registered as A.I.D. No. 35 of 1968, and notices were issued to the parties and the I Party was required to file its claim statement. In the meanwhile, the I Party filed Writ Petition No. 3998 of 1968 in the High Court of Mysore, and in the said petition a stay of the further proceedings in this tribunal on the basis of the said Reference was obtained. The said order was communicated to this tribunal on 20th November 1968. Meanwhile on 12th December 1968 the Representatives of the two parties appeared before this tribunal and filed a joint application for taking up this case immediately. This was granted. Then the Representative of the I Party workmen filed an application filing along with it an Affidavit of himself and another one on behalf of the II Party Management. In the course of the two Affidavits it was averred that Writ Petition No. 3998/68 before the High Court of Mysore had been dismissed as not pressed. In view of the Writ Petition having been dismissed as not pressed, the stay ordered by the High Court of Mysore during the pendency of the Writ Petition is no longer operative. Accepting

the Affidavits of two parties, the Writ Petition is regarded as having been disposed of in the manner set out in the Affidavits. That position gives jurisdiction to this tribunal now to proceed with the matter of the Reference.

3. The two parties filed a Joint Memo which states *inter alia* that they had settled their dispute out of which the present Reference had arisen and that the settlement had been reached out of court and that therefore there was no subsisting dispute on the points referred for adjudication. The Memo further requested that an order be passed rejecting the Reference.

4. The settlement having been arrived at out of court and both parties having been satisfied thereby, there is nothing left for this tribunal to do in the matter of the dispute referred for adjudication. The dispute has been resolved amicably and out of court by the two parties both of whom now desire that the Reference be rejected as there is no subsisting dispute. In these circumstances I make the following award.

AWARD

5. The Reference is rejected as desired by both the parties in view of the settlement, out of court, of the dispute referred for adjudication. I make no order as to costs.

R. V. KOLLALI,

Presiding Officer,
Addl. Industrial Tribunal,
Bangalore-20.

13-12-68.